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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,670	08/20/2003	Thomas M. Drewes	199-0202US	6435
29855 7590 09/18/2008 WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P. 20333 SH 249 SUITE 600 HOUSTON, TX 77070				
EXAMINER				
VU, KIEU D				
ART UNIT		PAPER NUMBER		
2175				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/644,670

Applicant(s)

DREWES ET AL.

Examiner

KIEU D. VU

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/23/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26, 31-56 and 61-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26, 31-56, and 61-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the papers filed 04/01/08.
2. Claims 1-26, 31-56, and 61-73 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 6-14, 17, 19-26, 31, 34, 36-44, 47, 49-56, 61, 64-67, and 70-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conference Composer User Guide (Copyright 2001) and McDonald et al ("McDonald", US 5966532).

Regarding claims 1, 14, 31, 44, 61, 67, Conference Composer User Guide teaches a method for initializing user interface software for controlling an audio conferencing device, comprising selecting at least one audio input from the set up program; selecting at least one audio output from the set up program; selecting at least one audio conferencing device from the set up program (enter text labels for inputs and outputs, Fig. 6); electronically map the inputs and outputs to input and output ports on the audio conference device. Conference Composer User Guide does not teach the configuration is performed by a set up program wherein the program

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facilitates selecting inputs, outputs and mapping parameters. McDonald teaches executing a set up program (wizard) to facilitate configuration for the interface software (abstract), defining mapping parameters, and transfer mapping parameters to the interface software (col. 4, lines 42-67) (col. 5, lines 1-22). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply McDonald's teaching of executing a wizard in Conference Composer User Guide with the motivation being to simplify configuration operations (McDonald, col. 3, lines 36-57).

Regarding claims 4, 17, 34, 47, 64, 70, Conference Composer User Guide, as modified by McDonald, teaches that step (d) is accomplished automatically by the set up program on the basis of the selected input and outputs (all the inputs that map to a particular output (page 8).

Regarding claims 6, 19, 36, and 49, Conference Composer User Guide, as modified by McDonald, teaches displaying an error message if the selected audio conference device is not compatible with the selected inputs or outputs (to ensure proper input-output mappings) (page 9) (col. 14, lines 44-63).

Regarding claims 7, 20, 37, 50, 65, 71, Conference Composer User Guide, as modified by McDonald, teaches wherein step (e) is accomplished automatically by the set up program (the Signal Activity LEDs mapped to the inputs and outputs of the System Page) (page 8) (col. 10, lines 24-57).

Regarding claims 8, 21, 38, 51, 66, and 72, Conference Composer User Guide, as modified by McDonald, teaches coupling the selected inputs and outputs to the

input and output ports on the audio conference device in accordance with a map created by the set up program (page 15) (col. 10, lines 24-57).

Regarding claims 9, 22, 39, 52, Conference Composer User Guide, as modified by McDonald, teaches wherein the inputs include items selected from the group consisting of a microphone and a telephone (Fig. 5 page 7).

Regarding claims 10, 23, 40, 53, Conference Composer User Guide, as modified by McDonald, teaches wherein the outputs include items selected from the group consisting of a speaker, a telephone, and a recorder (see Fig. 12, page 16).

Regarding claims 11, 24, 41, 54, Conference Composer User Guide, as modified by McDonald, teaches wherein the set up program is executed upon execution of the user interface software (wizard) (abstract, col. 4, lines 42-67) (col. 5, lines 1-22).

Regarding claims 12 and 42, Conference Composer User Guide, as modified by McDonald, teaches wherein the computer is coupled to the audio conferencing device (page 2).

Regarding claims 13, 26, 43, and 56, Conference Composer User Guide, as modified by McDonald, teaches wherein step (e) further comprises displaying a number of available inputs and output ports for the at least one selected audio conferencing devices (Fig. 6, page 8).

Regarding claims 25, 55, 73, Conference Composer User Guide, as modified by McDonald, teaches wherein the predetermined sequential series of steps comprises a predetermined sequential series of screens ("follow the instructions for installing Conference Composer", page 2).

5. Claims 2-3, 5, 15-16, 18, 32-33, 35, 45-46, 48, 62-63, 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conference Composer User Guide (Copyright 2001), McDonald et al ("McDonald", US 5966532), and Kellom et al ("Kellom", US 2004/0260416).

Regarding claims 2-3, 5, 15-16, 18, 32-33, 35, 45-46, 48, 62-63, 68-69, Conference Composer User Guide, as modified by McDonald, does not teach using the set up program to define audio optimization parameters for the inputs or outputs and transferring the audio optimization parameters to the user interface software. Kellom teaches an audio amplifier local interface system which facilitates configuration setup (inputs/outputs/parameters) to achieve optimization (Fig. 6). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Kellom's teaching in Conference Composer User Guide and McDonald's system with the motivation being to enhance the efficiency of the system.

6. It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

The Examiner notes MPEP § 2144.01, that quotes *In re Preda*, 401 F.2d 825, 159 USPQ 342, 344 (CCPA 1968) as stating "in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the

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inferences which one skilled in the art would reasonably be expected to draw therefrom." Further MPEP 2123, states that "a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore, can be reached at 571-272-4088.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kieu D Vu/

Primary Examiner, Art Unit 2175